

March 17, 1986

LETTER OF AGREEMENT

Purpose:

The purpose of this Letter of Agreement is to categorically exclude certain types of projects and maintenance activities from the Archaeological/Historical review process because of their low potential to impact cultural resources. This document lists and defines those exclusions.

Policy:

It is the policy of the Department of Transportation and Public Facilities (DOT/PF), the Department of Natural Resources (DNR), and the State Historic Preservation Officer (SHPO) to review DOT/PF projects for potential archaeological/historical impacts, identify impacts through field investigations and research, and to avoid or mitigate identified impacts to archaeological/historical resources. Further, it is recognized that some projects have minimal potential to impact these resources and, unless under unusual circumstances, will be eliminated from our respective review processes.

This letter of agreement does not apply to National Register listed, eligible, or potentially eligible facilities. All projects involving structures or remodeling of structures require a review, in consultation with SHPO, by DOT/PF to determine if they are eligible for inclusion in the National Register of Historic Places.

Distribution:

State Historic Preservation Officer
Department of Natural Resources
Department of Transportation & Public Facilities
Federal Highway Administration
Federal Aviation Administration

Procedure:

The following list of projects will be categorically excluded from the archaeological/historical review process of the DNR/SHPO and DOT/PF. If during construction any impacts to archaeological/historical resources are identified, all activities will cease and the SHPO and DOT/PF Archaeologist will immediately be notified.

1. Project amendments (e.g., increase in costs) which do not alter the environmental impact of the action. Note: Normally a change in the dollar amount of a contract with no physical change to the project or project scope.
2. Policy and planning documents not intended for or which do not cause direct implementation of project or system actions. Note: Normally DNR/SHPO project involvement occurs during the preconstruction phase of project development.
3. All facility decommissionings unless historic structures are involved.
4. Grants for training and/or research programs which do not involve construction.
5. Approval of electrical utility installations along or across a transportation facility. Note: With the exception of impacting National Historic Trails.
6. Reconstruction or modification of an existing bridge structure on essentially the same alignment or location (e.g., widening less than a single travel lane, adding shoulders or safety lanes, walkways, bikeways, or pipelines) except bridges on or potentially eligible for inclusion on the National Register or bridges providing access to barrier islands. Reconstruction or modification of an existing one lane bridge structure, presently serviced by a two lane road and used for two-way traffic, to a two lane bridge on essentially the same alignment or location, except

bridges on or potentially eligible for inclusion on the National Register or bridges providing access to barrier islands.

7. Construction of bicycle and pedestrian lanes, paths, and facilities within existing right-of-way (ROW) or requiring minor additional amounts of ROW.
8. Modernization of an existing highway by resurfacing, restoration, rehabilitation, widening less than a single lane width, adding shoulders, adding auxiliary lanes for localized purposes (e.g., weaving, turning, climbing), and correcting substandard curves and intersections. This classification is not applicable when the proposed project requires acquisition of more than minor amounts of ROW or substantial changes in access control.
9. Highway safety or traffic operations improvement projects including the correction or improvement of high hazard locations; elimination or roadside obstacles; highway signing; pavement markings; traffic control devices; railroad warning devices; lighting; and activities included in the States "Highway Safety Plan" under 23 U.S.C. 402. This classification is not applicable when the proposed action requires acquisition of more than minor amounts of ROW or substantial changes in access control, or if the action alters or impacts historic sites.
10. Alterations to existing non-historic buildings to provide for noise reduction and the installation of noise barriers.
11. Landscaping, beautification, and erosion control within the existing ROW or requiring minor amounts of ROW.
12. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where no additional land is required and there is no substantial increase in the number of users.
13. Installation of signs, small passenger and bus shelters, and traffic signs where no substantial land acquisition or traffic disruption will occur.
14. Emergency repairs under 23 U.S.C. 125 which do not substantially change the design and are commenced during or immediately after the occurrence of a natural disaster or catastrophic failure and emergency regarding air or ground safety.
15. Routine maintenance activities where archaeological/historical resources have not been identified.
16. Geotechnical drilling programs when not on Federal land. Drills will be 12" or less in diameter. Weather conditions and vehicles will be carefully chosen to minimize surface damage. Backhoes, cats, etc. are not included in this item.

Termination:

The signature parties may terminate this Agreement by notice in writing thirty (30) days in advance of a specified termination date. This Agreement shall automatically renew itself annually unless written notice to the contrary is given.

/s/ _____ 4/8/86
Date

Department of Natural Resources
Deputy Commissioner

/s/ _____ 4/15/86
Date

Department of Transportation & Public Facilities
Deputy Commissioner

/s/ _____ 4/8/86
State Historic Preservation Officer Date